

## REMARKS

Claims 1-32 are pending in the application. The Office has rejected claims 1-31 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office has also rejected claims 1-31 under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter. The Office further rejected claims 1, 12, 25, and 29 –32 under 35 USC § 102(e) as being anticipated by Applicant's admitted prior art (hereinafter "APA"). Claims 2-9 and 26-28 have been rejected under 35 USC § 103(a) as unpatentable over APA in view of Guck (U.S. Pat. No. 5,864,870). Lastly, claims 10 and 15-24 have been rejected under 35 USC § 103(a) as unpatentable over APA in view of Abdel-Mottaleb et al. (U.S. Pat. No. 6,285,995). This Office action is non-final and is responsive to Applicant's communication filed on or about May 18, 2005.

### Claim Amendments and the 112 and 101 Rejections

Applicant requests that the amendments to the claims be entered into this application. The amendments address the 112 and 101 rejections made by the Office and are not made to overcome prior art. No new matter is being added and the specification supports the amendments, for example page 5, paragraph [0015] describes a computer-implemented database with a case based reasoning system.

### 102 Rejection Over of APA (Ind. Claims 1, 25, 30, 31, 32)

Applicant's admitted prior art does not show or suggest "a comparison object within the database for comparing the target case with the plurality of exemplar cases," as required by Applicant's claims. Figure 1 and paragraph [0001] of Applicant's specification illustrates a prior art case based reasoning system. No database is shown or suggested by this prior art. Figure 2 and paragraph [0002] of specification illustrates a database and comparison software, *external* to the database, that is used for calculating similarity metrics. Applicant's claims clearly require the comparison object to be *within* the database instead of external to the database as shown in the prior art. Therefore, the

prior art does not show or suggest all the elements of Applicant's claimed invention and this rejection is improper.

#### 103 Rejections in View of Guck and Abdel-Mottabel

Neither Guck or Abdel-Mottabel teaches a case based reasoning system nor do they contain the element missing from APA. These claims are therefore allowable over these references.

#### Dependent Claims

The dependent claims are allowable for at least the same reasons as their corresponding independent claims.

### CONCLUSION

The references cited by the Office, whether taken separately or together, do not show or suggest all of the elements of Applicant's claims. Therefore, all claims are allowable over the art of record. Applicant asks the Office to reconsider this application and allow all claims. Please charge any fees that might be due, excluding the issue fee, to deposit account 14-0225.

Respectfully Submitted,

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